

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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KIRKPATRICK B. DUNBAR,

Plaintiff,

-v-

EMPIRE SZECHUAN NOODLE HOUSE INC. and NEW
GOLD EQUITIES CORP.,

Defendants.

18-CV-9625 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On October 29, 2020, the parties filed a joint letter updating the Court on the status of the Third-Party Complaint and Defendants' efforts to make the premises ADA complaint. (Dkt. 72.) In that letter, Defendants state that they intend to "make a motion for summary judgment to dismiss the federal action with prejudice." (*Id.* at 2.) The following day, Defendants filed a Motion to Dismiss. (Dkt. 73.)

Under 6.A of the Court's Individual Rules and Practices in Civil Cases, a pre-motion conference with the Court is required before making any motions other than discovery motions. Defendants failed to request such a conference in this case. Accordingly, it is hereby ORDERED that Defendants shall submit a pre-motion letter by December 4, 2020. In that letter, Defendants shall clearly state whether they are moving for summary judgment and/or moving to dismiss the case as moot. Plaintiff shall file a response by December 9, 2020. Following submission of these letters, the Court will determine if a pre-motion conference is necessary and will set a briefing schedule for Defendants' motion.

SO ORDERED.s

Dated: December 1, 2020
New York, New York



JOHN P. CRONAN
United States District Judge